

P 11E ✓
App F IX-4

Previous References

CM 27-52-76, 77, 78 85(a) 86
CM 27-52-20, 55, 85

1953-54
(CM)

File No 29-53-

Serial Nos 8, 9

Later References

MYSORE GOVERNMENT SECRETARIAT

Serial Nos 2

Part B for February 1954

SUBJECT

Refund of earnest money
deposited by Mr R L Sakayanarayana
Petty Municipal Commissioner
Davanagere

WD 04867-GPB-9000-11 1 54

To,

The Municipal Commissioner
Davanagere City Municipality
(through the President)

L 14586 / Dated 8.2.54

Directs to Refund the
deposited money

7/10/54

Received Petition dated 28 9 53
from Sri R. B. Subramanyam Esq.
Municipal Councillor, Davangere
city - requests refund of earnest
deposit money paid with the
notice of candidature

1) Order of the Govt. coming on the
petition

Call for a report

(94) V H 289

2) The petition is under stamped &
draft is put up as per order

3) Issue
1362

12/10/53
12/10/53

The Municipal Commr
Davangere (Dist W/comm)
L 86938/21 10 53

Forwards a report 13
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Sms A
Sms

✓ 4146/467 of ml

Return of earnest money deposited by
L R L Salyanarayana Sety, Davanagere

For
The Municipal Commissioner Davanagere
Letter no H-112/83-4 dt 27-10-53
forwards a report

4) Sir R L Salyanarayana Sety,
represents that he has made a deposit
of Rs 100/- being the earnest money as he
came out successful in the Municipal election
as a Candidate to the Davanagere M.C.,
he wants his deposit to be returned
as per rule 66 of the Election Rules
A report was called for from the Commissioner
Davanagere & it is of opinion that his
claim for refund was made by the
Party on 14-9-53 & should have been
made by the Party within 3-7-53 i.e.
within the one year from the date of
the publication of the result of Election
as per amendment to the Election Rules
L 1723/CM 27-52-85 dt 8-5-53 (Citation Recd)
The Election result have been published in
the Gazette on 3-7-52 Election Recd no 5371
for info with reference to Para

Hy k

6/11
802/11/54

4698/ord

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Refund of earnest money deposited by
S. R. & Sathyanarayana & S. S. Sathyanarayana

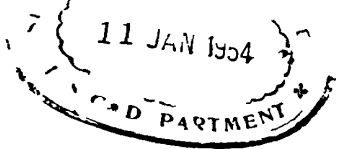
5) In the former election rules, there was no time limit to present an application for refund of the deposit. This was examined and finally Govt passed orders stating that within one year from the date of Publication of the result of election in the Gazette, an application for refund of the deposit should be presented. This order of Govt is dated 8-5-53. Obviously this order applies to elections that take place after 8-5-53 and not to elections that have taken place previously. This is the point at issue.

6) In this case the election took place on 15-6-52. According to the rules then prevailing there ~~was~~ was no time limit for presenting an app^l for refund. The part has presented an app^l now is on 14-9-53. I think, S. R. Sathyanarayana & S. S. Sathyanarayana is entitled for a refund of Rs 100/-

Return of Earnest money deposited by son
 4678 R L Satyanarayana Setty Savangere
 14/1

deposited by him this is the only
 Case that has come up for refund
 at the election took place in the year 1952
 10/1

Secy)
 det)

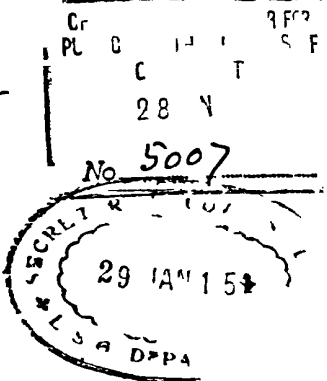


1) I agree the deposit may
 be ordered to be refunded

Manully) 27/1 27/1

2) Jh 29 154

24/30/1



3) A draft to a Mc Dup 5/10/54

RS) 30/1/1

82 11/2/54

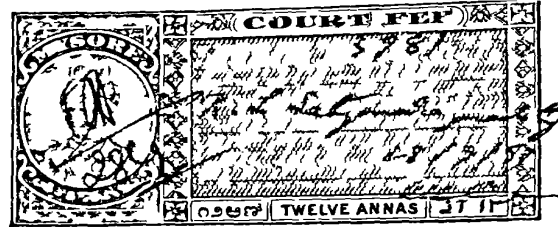
10) Jh

8/2

Hand L 14586 2 8/2/54 h a me 2/5

B 9/2

82 9/2



To,
The Secretary to Govt L S G and Planning Dept
B A N G A L O R E

call for 9
report
28/9

Application of Sri R L Satyanarayana Setty, Municipal
Councillor, Davangere City- Refund of Earnest Deposit of
Rs 100/- deposited with the notice of Candidature

C m 29-53-8

Sir,

I beg to state that I was a Candidate for the general elections of our Municipality held under Adult Franchise Single Member Constituency scheme during June 1952 and that I was successfully returned to the Council from the 21st - Division I have been continuing as a Councillor of the - Davangere City Municipality Council ever since and have devoted myself to the service of the public of Davangere City

2 When I presented my notice of Candidature during June '52, I had also made an earnest deposit of Rs 100/- with the notice of Candidature and I have not obtained its refund so far - When I approached the authorities for its refund, I was informed that the Government have passed orders during the -- month of May 1953, directing that the earnest deposit of -- Candidature shall be forfeited to the Municipal Funds, if it is not refunded within one Year of the elections, and hence that I cannot get back my earnest deposit

3 This was a great surprise to me, since there was no such forfeiture any time before and the recent orders of Government have suddenly sprung up as a surprise against us all We were definitely under the impression that this deposit is never liable for forfeiture, as per procedure in Municipal Accounts and that we could obtain back our deposit amount at any time

P T O

Further, the elections of this Municipality having been ^{held} held in June 1952 and the orders of Government noted Supra, being published in May 1952, there ^{was} had hardly any time between the orders of Government and the expiry of One Year after the elections. We are therefore put to considerable hardship at the sudden orders of Government and I pray the benign Government to show indulgence in, as a special case, and kindly issue orders to our Municipal Authorities to arrange refund of my Earnest Deposit amount, for which act of kindness, I feel ever grateful

Bangalore

Dated 28-9-1953

Yours Faithfully,

P. S. Srinivasayyaiah
Municipal councillor
Davanagere city

G R S App F G 3

GENERAL AND REVENUE
SECRETARIAT

(Continuation sheet draft form)

4146

Draft ³

No C 869 3/E-1 / 5 3-57
21-10-53

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20

The Municipal Commissioner
(H/o P/o) Saravajana

Sir,

Sub: Earnest money
of Rs 100/- deposited
by Sri R L Salya-
narayana Salya, Municipal
Councillor — Refund

I am directed to—
forward herewith (in original)
the petition dated 28.9.53
from Sri R L Salya narayana
Salya on the subject—
mentioned above and to
request you kindly to forward
a report thereon at an early
date

The petition may be returned
with your reply

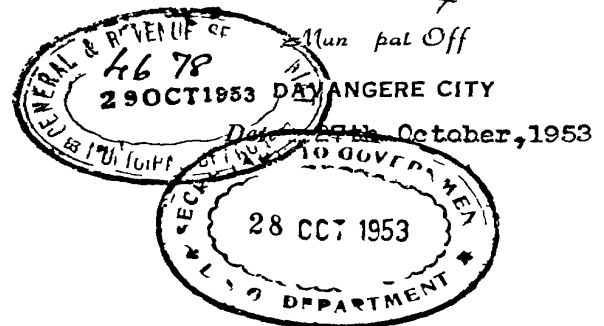
Yours faithfully
12/10 For R L Salya

No HC 112/534
E 11 One Petition
From

THE MUNICIPAL COMMISSIONER
City Municipality
DAVANGERE

To

The Secretary to Government,
Local Self Government and Planning Departments,
Mysore Government Secretariat,
BANGALORE, 1



*4146
ru*
HS Sir
16/1/53
SUBJECT - Earnest money of Rs 100/- deposited by Sri R L Satyanarayana Setty, Municipal Councillor - Refund -

Reference - Your letter No L 8693 dated 21-10-53 forwarding a petition on the above ---

With reference to the above, I write to state the General Elections to this Municipality in accordance with the Adult franchise single member constituency system, ^{were} ~~was~~ held on 15-6-52 and the reconstitution approved by Government in Notification No L 4083-C M 33-52-9 dated 20-6-52 and published in Mysore Gazette dated 3-7-1952 on Page 340 of Part III - 3

2 Sri R L Satyanarayana Setty, who was a contesting candidate in the above elections for the 21st Division, had deposited an earnest money of Rs 100/- and was successfully returned for the 21st Division. He has not obtained the refund of the earnest money so far.

3 Meanwhile, Government have been pleased to notify in their Notification No L 1723/C M 27-52-85 dated 8-5-53 amending Rule 66 (2) of the Election Rules, directing that, when the claim for the return of the deposit is not made ^{from the date of publication of results in the Gazette} within the period of one year, the amount shall be forfeited to the Municipal Council.

4 The Notification approving the elections having been published in the Mysore Gazette dated 3-7-52 the claim for refund should have been preferred within 3-7-53, after which time the Government have directed in the Notification cited above that the amount deposited shall be forfeited to the Municipal Council. Sri R L Satyanarayana Setty preferred his claim in this office on 14-9-53, when he was informed that in view of the above Government notification the refund, asked for is not permissible.

5 It is to be stated that the forfeiture of the earnest deposit came into force during May 1953 for the first time. There may be some force

in the petitioner's argument that when he made the deposit during June 1952 this rule was not in force and people were in the habit of taking back their deposits at their convenience

6 The petition enclosed with your above letter is returned herewith

Forwarded

B. I. Chopala Rao
(B I Chopala Rao)
PRESIDENT,
CITY MUNICIPAL COUNCIL,
DAVANAGERE

Yours faithfully,

K. Narasimhaengar
27 10 53
(K Narasimhaengar)
MUNICIPAL COMMISSIONER,
DAVANAGERE CITY MUNICIPALITY

HSK RAO/2

Appendix F G—1]

SUBJECT

Diary No of letter replied to

Mysore Government Secretariat

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the 195

Date of issue

Signed by

List of enclosures

Copied by

Examined by

Section

File No

Serial No

No

To

L/4586/8 2-54

M C DVS H & P
Prin

Refund of earnest money
of Rs 100/- deposited by
Dr R L Sathyanarayana & Co
and Counselor

Sir, With reference to your
letter no HC 112/53 dated 27.8.53
on the above subject I am
directed to state that the earnest
money of Rs 100/- was used to
arrange to be refunded to a party
since the notification no 1720
of May 53 amending the Election Rules
applies only to elections conducted
after that date and not prior to it
date of the notification was in the
present instance was a election
was in 1952

For Dy Secy
3/2

Sanjay K. P. Singh

7
L 14586 /c m 29-53-9

Municipal Branch,
8 February '54

The Asst

L S G & Planning Departments

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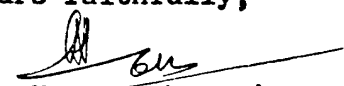
The Municipal Commissioner,
Davangere City Municipality,
(through the President)

Sir,

Subject - Refund of earnest money of Rs 100/- deposited by
Sri R L Sathyanarayana Setty, Municipal Councillor

With reference to your letter No H C 112/53-54 dated the 27th
October 1953 on the above subject, I am directed to state that the earnest
money of Rs 100/- may kindly be arranged to be refunded to the party since
the notification No L 1723 dated the 8th May 1953 amending the Election
Rules applies only to Elections conducted after that date and not prior to
the date of the Notification and in the present instance the election was
in 1952

Yours faithfully,


(V Hanumanthappa)
Asst Secretary to Government,
L S G & Planning Departments



LNS 2 5/2